



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,528	08/09/2001	Per Lachenmeier	0430 - 0160P	1971

2292 7590 01/26/2005

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

GERRITY, STEPHEN FRANCIS

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8N

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/924,528	LACHENMEIER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen F. Gerrity	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3721

**DETAILED ACTION**

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The title of the invention should be consistent with the claimed invention. It is suggested that "AND AN APPARATUS" be deleted from the current title of the invention.

2. The abstract of the disclosure is objected to because of the use of legal phraseology, i.e. "means" and "said". The expression "Fig. 2E" in the last line is improper. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because at page 2, paragraph 1, applicant has made improper reference to claim numbers. The expressions "in accordance with the preamble of patent claim ..." are improper. The written description should be complete in and of itself and not make reference to the subject matter of claims. Appropriate correction is required.

4. The disclosure is objected to because at page 9, line 4, the expression "2A to F" should be changed to --2A to 2F--. Appropriate correction is required.

Art Unit: 3721

5. A substitute specification is required pursuant to 37 CFR 1.125(a) because it appears to be a literal translation of a foreign document and as such is replete with numerous grammatical and idiomatic errors.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

***. Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3721

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding claim 1, the phrase "a stack of goods on a pallet in particular" renders the claim indefinite because it is unclear whether the limitation is part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the expression or limitation "with a hose-shaped stretch foil guided in run-like manner as hose of lateral folds in particular" is awkward and ambiguous. It is unclear if this language is a limitation of the claimed subject matter or a narrative expression which is combining various limitations. In an event, the language renders the scope of the claim ambiguous as well as indefinite.

Regarding claim 1, the language "forming a foil hood harmonized to the length..." renders the claim indefinite

Art Unit: 3721

because the scope of the language "harmonized to the length" is unascertainable. Furthermore, it is unclear from the claim if the "foil hood" is made or not made from the material recited earlier in the claim at lines 2 and 3. Finally, the language "... or a band stock hose" renders the claim vague and indefinite because it is unclear what is the scope of the claim. It is unclear if the band stock hose is an alternative of the foil hood or rather an alternative of the goods to be packed.

Regarding claim 1, the language "wherein said reefing devices include a roll being rotatably engaged with each of said gripper means" renders the claim indefinite because it is unclear if there is a single roll for all of the gripper means or a plurality of rolls with one roll for each gripper means.

Regarding claim 1, the language "and a first rotation of said reefing devices" is vague and indefinite because the claim has failed to establish that the reefing devices are capable of rotation. The last sub-paragraph of the claim likewise contains this vague and indefinite language.

Regarding claim 2, it is unclear whether or not the language of claim 2 is a new step or rather that the language is a repetition of language already appearing in claim 1. Clarification or correction is required.

Art Unit: 3721

Regarding claims 3 and 4, the language of each claim "a pulling-off speed" is vague and indefinite because the claim fails to positively set forth off what the foil hood or band stock is being pulled.

Regarding claim 4, line 3, the language "is lower than a of ..." is awkward because of the amendment to the claim.

Regarding claim 5, the language "the rolls" is vague and indefinite because it is unclear from the language of claim 1 whether or not there is a single roll or a plurality of rolls.

Regarding claim 5, the language of the claim sets forth several different alternative expressions which render the scope of the claim vague and indefinite.

Regarding claim 7, the language "the rolls" is vague and indefinite because it is unclear from the language of claim 1 whether or not there is a single roll or a plurality of rolls.

Regarding claim 7, the language of the claim is vague and indefinite because the "holding" is during an end phase of pulling-over (as per claim 6) and it is unclear how the "said holding" is related to "said tentering process" when the two recited "steps" (pulling-over and tentering) are occurring at different times.

Art Unit: 3721

Regarding claim 15, the language "the rolls" is vague and indefinite because it is unclear from the language of claim 1 whether or not there is a single roll or a plurality of rolls.

Regarding claim 15, the language of the claim sets forth several different alternative expressions which render the scope of the claim vague and indefinite.

These and any other informalities should be corrected so that the claims may particularly point out and distinctly claim the subject matter which applicant regards as the invention, as required by 35 U.S.C. § 112, second paragraph.

***Allowable Subject Matter***

8. Claims 1-7 and 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-7 and 15 have been considered but are moot in view of the new ground(s) of rejection.

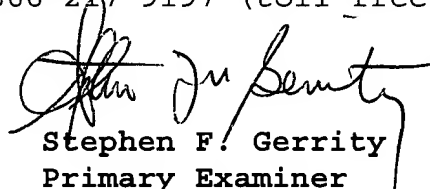
***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gerrity. If attempts to reach the examiner by telephone are



Art Unit: 3721

unsuccessful, the examiner's supervisor, Rinaldi Rada, may be contacted. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephen F. Gerrity  
Primary Examiner  
Art Unit 3721

Examiner's Telephone Number: 571-272-4460

Examiner's Work Schedule: Monday-Friday from 5:30 - 2:00

Supervisor's Telephone Number: 571-272-4467

Facsimile Telephone Number: 703-872-9306

TC 3700 General Information Telephone Number: 571-272-3700

21 January 2005